

APR 05 2012

U.S. DISTRICT COURT
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil No. 1:11-CV-73

FEDERAL DEPOSIT INSURANCE)
CORPORATION, as Receiver for)
THE BANK OF ASHEVILLE,)

Plaintiff,)

v.)

KENNETH PORTER-SHIRLEY)

Defendant.)
_____)

CONSENT JUDGMENT

Plaintiff Federal Deposit Insurance Corporation and Defendant Kenneth Porter-Shirley hereby agree that judgment be entered by the Court without trial or adjudication of any facts or law applicable to this action as follows:

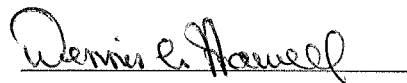
1. Plaintiff commenced this action on July 29, 2010 by filing a civil summons and complaint.
2. Plaintiff and Defendant have agreed to settle this action without trial and have compromised and settled all matters pending between them.
3. Defendant admits the jurisdiction of this Court with respect to the subject matter of this action and of the parties and has entered or now enters a general appearance.

4. The parties waive the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED THAT:

Judgment is entered for Plaintiff against Defendant in the amount of \$663,192.08, together with interest at the rate of \$110.68 per diem from the 26th day of July 2010 through the date of entry of this judgment, as well as attorneys' fees in the amount of \$99,478.81; and the costs of this action shall be taxed to Defendant, with interest on the total amount of said judgment at the annual legal rate of 8%, accruing from the date of entry of this judgment.

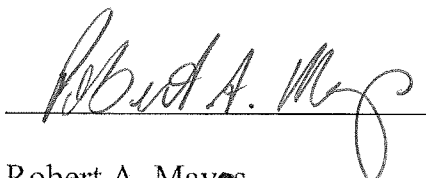
Signed: April 5, 2012



Dennis L. Howell
United States Magistrate Judge

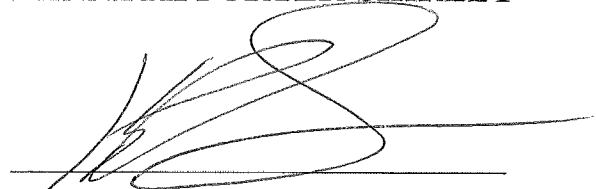
CONSENTED AND AGREED TO:

**VAN WINKLE, BUCK, WALL
STARNES AND DAVIS, P.A.**

By: 

Robert A. Mayo
N.C. State Bar No. 34090
Esther E. Manheimer
N.C. State Bar No. 25712

KENNETH PORTER-SHIRLEY



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Defendant

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Deposit Insurance Corporation,
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